

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THERESA MALONE, et. al;

Plaintiffs,

vs.

KANTNER INGREDIENTS, INC., et. al;

Defendants.

4:12CV3190

MEMORANDUM AND ORDER

The plaintiffs are now pursuing their claims on a Fourth Amended Complaint. (Filing No. 115). Thus far, this court has ruled on over 15 motions in this case, and within six weeks of ruling on the last 10 motions, (Filing No. 111), five additional motions were filed. (See Filing Nos. 117, 125, 126, 137, and 139). These five motions remain pending.

Two of the pending motions raise dispositive issues. Specifically, Douglas Kantner and Kevin Rutter have moved to dismiss with prejudice the second (Fraudulent Concealment), fifth (Civil Conspiracy), and eighth (Derivative Action) claims for relief, and Defendant Rutter has moved to dismiss with prejudice the sixth (Money Had and Received) and seventh (Usurpation of Corporate Opportunities) claims for relief, asserting the plaintiffs have failed to state a claim upon which relief may be granted. (Filing No. 125). Defendant Kantner Real Estate, LLC. has moved to dismiss all claims against it for lack of personal jurisdiction, (Filing No. 126), and this issue appears to have previously been resolved in Kantner Real Estate, LLC.'s favor. (See Filing No. 53).

In addition to the defendants' pending dispositive motions, three new discovery motions were filed by the plaintiffs. The scope of permissible discovery is defined and limited by the claims for relief being litigated. So the rulings on the pending dispositive

motions may impact the discovery served by the parties, and the arguments raised and rulings entered on the pending discovery motions.

Accordingly,

IT IS ORDERED:

- 1) Any further briefing or response to the pending discovery motions, (Filing Nos. 117, 137, and 139), and the court's rulings on those motions, are stayed pending further order of the court.
- 2) Discovery is stayed pending further order of the court.
- 3) Within 10 days following the court's ruling on the dispositive motions, (Filing Nos. 125 and 126), the parties shall notify my chambers so a hearing can be set to discuss further case progression, including the briefing schedule on the pending discovery motions.

November 14, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge